

VZCZCXRO6244
RR RUEHPA
DE RUEHFN #0152/01 1121544
ZNY CCCCC ZZH
R 221544Z APR 09
FM AMEMBASSY FREETOWN
TO RUEHC/SECSTATE WASHDC 2598
INFO RUEHZK/ECOWAS COLLECTIVE
RUEHBS/AMEMBASSY BRUSSELS 0348
RUEAWJA/DEPT OF JUSTICE WASHINGTON DC

C O N F I D E N T I A L SECTION 01 OF 03 FREETOWN 000152

SIPDIS

DEPARTMENT FOR AF/W (JHUNTER/ESPRUILL) AND INL/AE
(KGOLDSTEIN)
BRUSSELS FOR DOJ/DEA (TSCARANTINO)
DOJ FOR DEA/OS/OSE (MCMANAMON/LENARTOWICZ),
DEA/OS/OSE/CNTOC (BROWN)

E.O. 12958: DECL: 04/19/2019

TAGS: [SNAR](#) [PGOV](#) [PREL](#) [SL](#)

SUBJECT: LANDMARK NARCOTICS CASE ENDS: DEFENDANTS NOT GOING
TO DISNEYWORLD

REF: A. 08 FREETOWN 336

[B](#). 08 FREETOWN 461

[C](#). 08 FREETOWN 552

Classified By: Ambassador June Carter Perry for reasons 1.4 (b/d)

[1](#). (C) Summary: The Government of Sierra Leone's judicial system completed its landmark narcotics case (reftel A) on April 20, finding all defendants guilty. The first case tried using the national Narcotics Control Act of 2008, this creates valuable legal precedent, while also sending a message to narcotraffickers that Sierra Leone will not allow itself to become another West African country overrun by the global drugs trade. Of particular note were the convictions for the foreign defendants, three of whom were expelled into U.S. custody following the conclusion of the trial. Despite Sierra Leone's general lack of capacity and infrastructure, the collaborative efforts between the President and the judicial and security sectors to bring this case to a strong and dramatic conclusion demonstrates that political will exists here to effectively combat the issue. The USG should stand firmly behind President Koroma and the Government of Sierra Leone to encourage further counternarcotics efforts, and enable them to not only interdict drugs within their borders, but set a positive example for other nations in the sub-region that the war on drugs is one worth fighting. End Summary.

CASE BACKGROUND

[2](#). (C) The July 13, 2008, bust of an aircraft carrying over 700kg of cocaine (reftel A) created shockwaves in Sierra Leone, where many citizens and government representatives believed that their country had escaped the narcotics transiting trend growing in West Africa. In the reactive and somewhat ramshackle investigation that followed, scores of people were arrested or questioned in connection with the case, with 18 people ultimately being charged with narcotics-related offenses under the Narcotics Control Act.

[3](#). (C) The arrest of Ahmed Sesay, a close relative of the then Minister of Transportation Ibrahim Kemoh Sesay, left the government open to criticism that it was complicit in the trafficking, highlighting the importance of strong government action to retain its credibility and commitment to law and order. A group of foreigners were also arrested, including the pilot and crew of the aircraft that brought in the cocaine, and others in Sierra Leone who were here to facilitate the onward movement of the drugs.

14. (C) Harvey Steven Perez, an American-Colombian dual national, was considered the key trafficker in the ring. On September 15th (reftel B), President Koroma requested the USG to assist in the removal of all of the suspected narcotraffickers, as well as Sierra Leoneans who could be indicted in the U.S. The President noted that he wanted rule of law to prevail, and was concerned that the narcotraffickers would undermine the judicial system. The President said he had encountered difficulties with the process but was determined to see the case to the end. On September 26, 2008, accompanied by U.S Ambassador, GoSL Foreign Minister and Sierra Leone's Ambassador to Washington, President Koroma met in Virginia with senior DEA officials and USG intelligence agency representatives.

15. (C) Subsequently, federal attorneys from the southern district of New York, assisted by DEA agents who had been asked by the government of Sierra Leone to help with the investigation, succeeded in securing indictments against two of the traffickers, Harvey Steven Perez and Gerardo Quistana Perez. On November 24th, (reftel C), the US Embassy presented a diplomatic note to the government of Sierra Leone concerning the indictments. In line with Koroma's request of September 15th, the Embassy informed the GoSL that we were prepared to accept the transfer of both indictees. In February, the Embassy presented a second diplomatic note asking for the transfer of XXXXXXXXXXXXX as a material witness (note: XXXXXXXXXXXXX was acting as a DEA informant when swept up in the arrests). In subsequent meetings, the president was informed that if he provided a 5-day notification, the U.S. was willing and able to remove the three individuals as per his earlier request. On 15 April, the president met with the

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Ambassador, informing her that the cocaine trial would end on 20 April, and the three individuals would be placed in our custody for removal. A presidential aide, who was concerned that the Attorney General would not follow through with the President's intent, arranged for a face-to-face meeting between the President, the Ambassador, and the Attorney General on April 18. The Attorney General assured the assembled group that the prisoners would be released to the United States on April 20. Subsequently, the DEA chartered an aircraft and employed agents to effect the transfer.

16. (C) Late in the afternoon of April 20, with the trial lasting well past the projected timeline, the Attorney General approached PolOff and informed her that Sierra Leone would have to collect fines from the individuals before they could be released to the USG. A presidential aide hinted that if the U.S. would pay the fines it would expedite the transfer of the prisoners, but the U.S. Embassy noted that it could not do so. The court case was adjourned later that evening, without a final judgment. The DCM and Ambassador were in 24 hour contact with the Foreign Minister, Presidential Aides, and the UN Representative (who arranged helicopter transport to the DEA plane).

17. (C) Determined to see the process through, the DEA and the Embassy held meetings with the Attorney General and discussions with other senior officials to impress upon them the importance of backing their president's promises. The DEA noted that assets may in fact be seized through the investigation of these individuals, and that there may be ways to share some of these assets with the government of Sierra Leone. This cleared the way for more progress the next day.

18. (C) Court reconvened at 11am April 22, with judgments being read but not an expulsion order. Negotiations between the Embassy and the government of Sierra Leone continued throughout the afternoon, with the judge announcing the sentences around 4pm. The accused were then returned to the prison, rather than being turned over to the United States government as initially promised. It was alleged by one of the defense attorneys that the foreigners had paid a 75,000 Euro bribe to the judge for a more lenient sentencing.

¶9. (C) As negotiations continued through the night, the government of Sierra Leone provided a diplomatic note to the U.S. Embassy, stating that the three accused would be turned over to the U.S. At 10:30pm the accused were in fact remanded to the DEA agents, who flew with them to the United States (the expulsion is technically not a judicial action, but a presidential decision, but it does require the judge to recommend expulsion as part of the sentence).

¶10. (C) The following penalties were imposed:

1st Accused: George Aritstizabel Archilla: U.S. \$6.5M and 5 years imprisonment
2nd Accused: Victor Manuel Arango Lastreto (Jnr): \$4M and 5 years imprisonment
3rd Accused: Julio Caesar Morales-Cruz: U.S. \$3M and 5 years imprisonment
4th Accused: Mohamed Bahil Sesay (alias Ahmed Sesay): Le300M and 5 years imprisonment
5th Accused: Hassan Karim Mansaray: Le100M and 5 years imprisonment
6th Accused: Patrick Moriba Johnson: Le25M and 2 years imprisonment
7th Accused: Chernor Momodu Bah: Le150M and 5 years imprisonment
8th Accused: Harvey Steven Perez: U.S. /\$5M and 5 years imprisonment
9th Accused: Gerardo Quistana Perez: U.S \$2M and 5 years imprisonment
10th Accused: Eimy Fernandez Leandro: US. \$3M and 5 years imprisonment
11th Accused: Alex Romeo: U.S. \$1.5M and 5 years imprisonment
12th Accused: Ibrahim Mohamed Manley: Le150M and 5 years imprisonment
13th Accused: Released earlier in trial
14th Accused: Released earlier in trial
15th Accused: Alimamy Kabia: Le150M and 5 years imprisonment
16th Accused: Sadjo Sarr: U.S. \$1.5M and 5 years imprisonment
17th Accused: Released earlier in trial
18th Accused: Mohamed Musa Kamara: Le50M and 3 years imprisonment

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imprisonment

The fines for foreigners were in U.S. dollars, and for Sierra Leoneans in Leones (at about 3000 Leones to the dollar).

¶11. (C) COMMENT: The expulsion is not only a significant diplomatic victory for the United States, but an internal victory for President Koroma, who demonstrated that he has the leadership capacity to overcome resistance within his own government (including, perhaps, his own attorney general) to assert the supremacy of the rule of law in Sierra Leone. While the corruption accusations were troubling, with a steady stream of rumors insinuating that drug money has been a factor in the legal case from the start, any underhanded activity proved inadequate in saving the traffickers from their ride to New York. Narcotics trafficking clearly poses an increasing threat to the sub-region, and it is a great relief that Sierra Leone possesses the capacity to arrest, try, convict, and imprison narcotraffickers, as well as overcome internal issues in order to cooperate at a very high level with the United States. Sierra Leone has the potential to be a significant partner in the regional war on drugs and to serve as a platform for other counternarcotics activities in West Africa. END COMMENT

PERRY